

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

MISTY BLANCHETTE PORTER, M.D.,

Plaintiff,

vs.

Case No. 2:17-cv-194

DARTMOUTH-HITCHCOCK MEDICAL
CENTER, DARTMOUTH-HITCHCOCK
CLINIC, MARY HITCHCOCK
MEMORIAL HOSPITAL, and
DARTMOUTH-HITCHCOCK HEALTH,

Defendants.

DEFENDANTS' MOTION IN LIMINE TO PRECLUDE THE "CAT'S PAW" THEORY OF LIABILITY

Defendants Dartmouth-Hitchcock Medical Center, Dartmouth-Hitchcock Clinic, Mary Hitchcock Memorial Hospital, and Dartmouth-Hitchcock Health (collectively, "Defendants" or "Dartmouth Health") hereby move, pursuant to Fed. R. Evid. 401 and 403, as well as the Order issued by this Honorable Court on January 13, 2025, at ECF Docket No. 194, to preclude the "cat's paw" theory of liability at trial (the "Motion"). The grounds for Defendants' Motion are fully set forth in the accompanying memorandum of law. In brief, the exclusion of the cat's paw theory of liability is appropriate because it is not recognized under New Hampshire or Vermont law, is not relevant, and would needlessly mislead and confuse the jury.

Pursuant to Local Rule 7(a)(7), Defendants hereby certify that they have made a good faith attempt to obtain Plaintiff's agreement to the requested relief, and such agreement was not obtained. Defendants hereby request an evidentiary hearing on this Motion pursuant to Local Rule 7(a)(6).

Date: February 14, 2025

Respectfully submitted,

/s/ Tristram J. Coffin

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CERTIFICATE OF SERVICE

I hereby certify that, on February 14, 2025, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Tristram J. Coffin

Tristram J. Coffin

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